

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 216 of 1994

with

C.A.No. 2565/94

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?NO

5. Whether it is to be circulated to the Civil Judge?No

GAJARABEN DAYALBHAI PATEL

Versus

RAMBHAI MANUBHAI PATEL

Appearance:

MR SN SHELAT for Petitioner

MR RN SHAH for Respondent No. 1

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 01/03/96

ORAL JUDGEMENT

Admit.

At the request of the learned Advocates, this

matter is taken up for final hearing to-day.

The appellant is the daughter of respondent No.1. There is a dispute between the father and the daughter. The appellant has filed the suit for a declaration and permanent injunction. It is the case of the appellant that she has become the owner of the suit property mentioned in

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para 1 of the plaint by way of adverse possession. Since there is a dispute with regard to the possession of the immovable property, she has applied for ad-interim injunction against the defendants by filing application, Ex.5. The learned trial Judge initially granted the order to maintain status-quo regarding the possession of the property. However, after hearing the parties, the said order has been vacated. The present Appeal From Order is the subject matter of the said order.

This Court, while issuing notice to the respondents on 7-7-1994 passed an order in favour of the appellant not to dispossess her. Since this order is in operation since July, 1994 till the date, in my opinion, it will meet with the ends of justice if the same is continued till the final disposal of the suit and the suit is decided expeditiously. Thus, without entering into the merits of the case, the following order is passed.

In the result, this appeal is allowed with no order as to costs. The parties are directed to maintain status-quo with regard to the possession of the suit property. Considering the fact that respondent No.1 being an old man of 75 years, the trial Court will expedite the hearing of the

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suit and dispose of the same as early as possible and preferably within six months. Office to send the writ to the trial Court forthwith.

In view of the order passed in the appeal, notice in C.A.No. 2565/94 is discharged with no order as to costs.

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